

**Town Council Minutes  
Morehead City, North Carolina**

**Tuesday, May 11, 2010**

The Honorable Council of the Town of Morehead City met in regular session on Tuesday, May 11, 2010 at 5:30 p.m., in the Municipal Building Auditorium at 202 South 8<sup>th</sup> Street, Morehead City, North Carolina. Those in attendance were:

MAYOR:	Gerald A. Jones, Jr.
MAYOR PRO TEM:	George W. Ballou
COUNCILMEN:	Paul W. Cordova
	David Horton
	John F. Nelson
	Demus L. Thompson
CITY MANAGER:	R. Randy Martin
CITY CLERK:	Jeanne M. Giblin
CITY ATTORNEY'S OFFICE:	Nelson W. Taylor, III, Derek Taylor, Mike Thomas
OTHERS:	Lenzie Griffin; Mike Shutak, Reporter, THE

CARTERET NEWS TIMES; Kenny Matthews; Kelly Matthews; Pamela Hardy; David Jones; Keri McCann; Wes Brown; Crystal Maready; David Griffin II; Dylan Griffin; Angela Griffin; Sally Griffin; Mari Robinson; Sean Bohonicky; Joe Griffin; and Mildred Griffin

**I. Regular Meeting Call to Order, Invocation and Pledge of Allegiance**

Mayor Jones called the meeting to order at 5:30 p.m., Councilman Thompson gave the invocation and all joined in The Pledge of Allegiance.

**II. Special Presentation: Resolution of Sympathy in Honor of David Griffin, Supervisor, Public Utilities Department who passed away on Monday, February 1, 2010**

As is customary, the Town of Morehead City presented a Resolution of Sympathy to the family members of longtime City employee, David Griffin.

David Griffin worked for 30 years for the Town of Morehead City and had retired as the Water Line Supervisor in December 2008. He also served his community for many years as a volunteer firefighter and emergency medical technician. Mayor Jones presented his family with Resolution of Sympathy 2010-17.

**III. Adoption of the CONSENT AGENDA**

**III.A. Approval of Minutes: Wednesday, April 7, 2010, Special Meeting  
Tuesday, April 13, 2010, Regular Meeting**

*Approved the minutes of Wednesday, April 7, 2010, Special Meeting and Tuesday, April 13, 2010, Regular Meeting and dispensed with the reading.*

**III.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for April 2010, in the amount of \$6,323,20; and Accept the Tax Collector and Finance Director Reports for April 2010**

*Approved the Requests for release of overpayment of ad valorem taxes for April 2010, in the amount of \$6,323.20; and accepted the Tax Collector and Finance Director Reports for April 2010.*

**III.C. Adopt Resolution of Sympathy 2010—17 in Honor of David Griffin who passed away on February 1, 2010**

*Adopted Resolution of Sympathy 2010-17 in Honor of David Griffin, Former Water Line Supervisor who passed away on February 1, 2010. [Attached to and made a part of these minutes is Resolution 2010-17.]*

**III.D. Adopt Resolution 2010-18 of Intent and Set the date of Tuesday, June 8, 2010, at 5:30 p.m. for the public hearing for Contiguous Annexation of the following City-Owned Properties:**

1. **130 Willis Road, [Municipal Sewage Pump Station], Tax PIN #6366-0907-0196-000, 0.14 acres, zoned R15M [Tract A];**

The property under consideration for annexation located at 130 Willis Road, is contiguous to the present City limits, contains approximately 0.14 acres, and is zoned R15M [Single-Family Residential/Mobile Home] District. The site in question is not part of a subdivision, and therefore, will not fragment a subdivision. The current tax value of the property is estimated to be \$4,500.

2. **Bridges Street [15 foot strip Addie Taylor Land], Tax PIN #6366-1155-0872-000, approximately 0.03 acres, zoned OP [Tract B];**

The property under consideration for annexation located on Bridges Street, is contiguous to the present City limits, contains approximately 0.03 acres and is zoned OP [Office & Professional] District. The site in question is not part of a subdivision, and therefore, will not fragment a subdivision. The current tax value of the property is estimated to be \$1,313.

3. **1001, 1007, 1009 and 1013 Treatment Plant Road [Lots 8-10 and A.C. Dudley Division], Tax PIN #'s 6376-1295-3733-000, 6376-1295-3909-000, 6376-1296-3016-000, and 6376-1296-3114-000, 2.88 acres, zoned R15M [Tract C];**

The property under consideration for annexation located at 1001, 1007, 1009 and 1013 Treatment Plant Road, is contiguous to the present City limits, contains approximately 2.88 acres and is zoned R15M [Single-Family Residential/Mobile Home] District. The site in question is not part of a subdivision, and therefore, will not fragment a subdivision. The current tax value of the property is estimated to be \$234,576.

4. **Mayberry Loop Road [Lots SR 1178, Lots 1179, Pt. Laughton, Lonnie Boyd Land, Acreage J.T. Oglesby Crab Point, Pt. W.H. Laughton Land], PIN #'s 6376-1296-8847-000, 6386-0906-0865-000, 6386-0907-2203-000, 6386-0907-4178-000, 6386-0507-3670-000, 6386-0507-4680-000, and 6386-0507-6599-000, 14.23 acres, zoned R15M [Tract E];**

The property under consideration for annexation located on Mayberry Loop Road, is contiguous to the present City limits, contains approximately 14.21 acres and is zoned R15M [Single-Family Residential/Mobile Home] District. The site in question is not part of a subdivision, and therefore, will not fragment a subdivision. The current tax value of the property is estimated to be \$653,778.

5. **Bridges Street [Acre Mansfield Park Morehead], PIN #6366-1046-5000-000, 0.785 acres, zoned OP [Tract F]**

The property under consideration for annexation located on Bridges Street, is contiguous to the present City limits, contains approximately 0.60 acres and is zoned OP [Office & Professional] District. The site in question is not part of a subdivision, and therefore, will not fragment a subdivision. The current tax value of the property is estimated to be \$126,785.

*Adopted Resolution 2010-18 of Intent and Set the date of Tuesday, June 8, 2010, at 5:30 p.m. for the public hearing for the Contiguous Annexation of the above described City-Owned Properties. [Resolution 2010-18 is attached to and made a part of these minutes.]*

6. **Adopt Resolution 2010-19 of Intent and Set the date of Tuesday, June 8, 2010, at 5:30 p.m. for the public hearing for Non-Contiguous Annexation of the City-Owned Property located at 3100 and 3104 Tootle Road [Lots 3 & 4, Ashley Place], Tax PIN #6376-0777-2667-000 and 6376-0777-3666-000, 0.93 acres, zoned R20 [Tract D]**

The nearest point on the proposed satellite corporate limits for the property located at 3100 and 3104 Tootle Road is approximately 800 feet from the existing City limits. The area for proposed annexation is so situated that the Town of Morehead City will be able to provide services on the same basis as it provides the primary corporate limits. The site in question is

part of an existing subdivision, and therefore, will fragment a subdivision. The Town of Morehead City currently has 300.35 acres located in satellite annexed areas. The addition of this satellite [0.93 acres] when added to the area within all other satellite corporate limits totals 301.28 acres and does not exceed 25 percent [1,388.38] of the area within the primary corporate limits. The property is zoned R20 [Residential] and the current tax value is estimated to be \$148,197.

*Adopted Resolution 2010-19 of Intent and Set the date of Tuesday, June 8, 2010, at 5:30 p.m. for the public hearing for the Non-Contiguous Annexation of the City-Owned Property located at 3100 and 3104 Tootle Road [Lots 3 & 4, Ashley Place], Tax PIN #6376-0777-2667-000 and 6376-0777-3666-000. [Resolution 2010-19 is attached to and made a part of these minutes.]*

### **III.E. Adopt Resolution 2010-20 Designating Police Chief Wrenn Johnson as the Alcoholic Beverage Control [ABC] Municipal Official Designee**

This is a routine procedure designating Morehead City Police Chief Wrenn Johnson as the official to make recommendations to the North Carolina Alcoholic Beverage Control Commission [ABC] on ABC permit applications. The Police Chief has long been the official to execute the permit applications.

*Adopted Resolution 2010-20 designating Morehead City Police Chief Wrenn Johnson as the official to make recommendations to the North Carolina Alcoholic Beverage Control Commission [ABC] on ABC permit applications. [Resolution 2010-20 is attached to and made a part of these minutes.]*

### **III.F. Adopt Resolution 2010-21 Approving and Authorizing the Water Shortage Response Plan for the Town of Morehead City dated April 2010**

North Carolina General Statute 143-355[I] requires that each unit of local government that provides water services prepare and submit a Water Shortage Response Plan to the Department of Environment and Natural Resources [NCDENR]. This plan provides appropriate guidance for the future management of water supplies and will be revised to reflect changes in relevant data and projections at least once every five [5] years. The Public Utilities Committee of the Council recommended the adoption of Resolution 2010-31 and the Water Shortage Response Plan.

*Adopted Resolution 2010-21 Approving and Authorizing the Water Shortage Response Plan for the Town of Morehead City dated April 2010. [Resolution 2010-21 is attached to and made a part of these minutes.]*

### **III.G. Update Revised Fee Schedule for Chapter 16, Water and Sewer, Increasing the Turn-On/Off Fee After Hours for Water Service from \$20 to \$50 Effective Immediately**

At the Public Utilities Committee of the Council meeting held on April 15, 2010, the members reviewed the after hours fee and compared Morehead City fees to those charged by other entities around Morehead City. It was the consensus of the Committee that the Morehead City fee was not high enough to cover the costs associated with going out after normal work hours and turning water back on. The Public Utilities Committee of the Council recommended increase the fee from \$20 to \$50.

*Update Revised Fee Schedule for Chapter 16, Water and Sewer, Increasing the Turn-On/Off Fee After Hours for water service from \$20 to \$50 effective immediately.*

### **III.H. Adopt Resolution 2010-22 Authorizing the Execution of an Installment Financing Contract in the amount of up to \$5 million with RBC [USA] Bank to Provide Interim Financing for the Construction of the Police Station/E911 Center**

Morehead City solicited financing proposals for the interim financing of the Police Station/E-911 Center in the amount of \$5 million for a term of 12 months. Proposals were received from BB&T Governmental Finance and RBC Bank [attached schedule]. The Council previously authorized the acceptance of a \$5 million loan with an additional \$255,000 for the

estimated accrued interest through the auspices of the United States Department of Agriculture [USDA]. The permanent financing loan from the USDA will be received once the project is completed. The adoption of this resolution authorizes the interim loan of \$5 million from RBC Bank. The members of the Finance Committee of the Council recommended the adoption of Resolution 2010-22. The terms of the financing are: 1.96 percent for 12 months. With the Buy America Bond discount offered in this proposal, the effective rate of interest is reduced to 1.27 percent. This rate is significantly less than estimated and will, therefore, lower the accrued interest on the project.

*Adopted Resolution 2010-22 Authorizing the Execution of an Installment Financing Contract in the amount of up to \$5 million with RBC [USA] Bank to Finance the Construction of the Police Station/E911 Center. [Resolution 2010-22 is attached to and made a part of these minutes.]*

***Councilman Thompson MOVED, seconded by Councilman Cordova, and carried unanimously, to adopt the CONSENT AGENDA in one [1] motion.***

**IV.A. Public Hearing: Request from Larry D. Holler, President of East Coast Seafood, Inc., to Rezone a portion of 4252 Arendell Street, Tax PIN #6366-1683-9155-000, from IP [Port-Industrial] to CH [Highway-Commercial] District – Adopt Ordinance 2010-15**

Planning Director Linda Staab reported that Mr. Holler submitted a request to rezone approximately 2.39 acres located at 4252 Arendell Street from IP [Port Industrial District] to CH [Highway Commercial District]. The entire parcel is 3.11 acres, and the remaining portion [approximately 0.72 acres] is proposed to continue to be zoned CM [Commercial Marina District]. The zoning classification of surrounding properties includes CH and R20 [Single Family Residential District] to the north, and CH to the south, east, and west. Surrounding development includes a 200 foot railroad right-of-way to the north, an automobile service station [Auto Brite], a restaurant [Pizza Inn], and offices to the south, self service storage units to the east and Rid-A-Pest to the west. The parcel is located within the corporate limits.

The property is located in Neighborhood 6 of the CAMA Land Use Plan and is classified as General Commercial. The proposal does not appear to conflict with any policies of the Land Use Plan. Property owners within 300 feet of the property were notified of the Planning Board meeting as well as the date of the public hearing. The property was posted.

At the Planning Board Meeting on April 21, 2010, Gordon Thayer made the motion, seconded by Jackie Maucher, and carried unanimously, to recommend adoption of the rezoning request. The Planning Committee of the Council reviewed the request.

Councilman Nelson questioned why the request was for a partial rezoning of the property.

Planning Director Staab replied that the applicant is only rezoning the commercial portion of the entire property, the remaining acreage is zoned CM [Commercial Marina] and consists of a tidal pond which could not be developed anyway.

Mayor Jones opened the public hearing. No one spoke for or against the rezoning.

Mayor Jones closed the public hearing.

***Councilman Thompson MOVED, seconded by Councilman Horton, and carried unanimously, to adopt Ordinance 2010-15 granting the request from Larry D. Holler, President of East Coast Seafood, Inc., to Rezone a portion of 4252 Arendell Street, Tax PIN #6366-1683-9155-000, from IP [Port-Industrial] to CH [Highway-Commercial] District. [Ordinance 2010-15 is attached to Ordinance Book #6 in the vault.]***

Larry Holler, the applicant property owner, stated that a building similar to the one constructed directly across Arendell Street which is the site of medical offices is proposed for the rezoned site.

**IV.B. Public Hearing: Request for Renewal of Certificate of Convenience and Necessity from Carteret Cab Company, 2401 Bridges Street, Lenzie Griffin, Owner – Adopt Franchise Ordinance 2010-17**

The application is for a renewal of a taxi service in Morehead City. Carteret Cab Company has been in business since 2006, and wishes to renew their franchise agreement. The City Code provides that any approved Certificate of Convenience and Necessity be granted for two [2] years. A taxi franchise must pass two [2] readings by the Council with the public hearing being the second of those readings. The Public Safety Committee of the Council reviewed the application and recommended approval.

Mayor Jones opened the public hearing.

Lenzie Griffin of 2401 Bridges Street, stated he has owned the business for four [4] years and thanked the Council for allowing him the opportunity to open and maintain the taxi franchise.

Mayor Jones closed the public hearing.

Manager Martin distributed a letter dated May 5, 2010 from a Linda Jendro, a new resident, who complained about taxis congregating at Piney Park.

***Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously, to adopt Ordinance 2010-17 granting approval of the request for renewal of a Certificate of Convenience and Necessity from Carteret Cab Company, 2401 Bridges Street, Lenzie Griffin, Owner for a two [2] year period.*** [Franchise Ordinance 2010-17 is attached to Ordinance Book #6 in the vault.]

**IV.C. Public Hearing: Request for Renewal of Certificate of Convenience and Necessity from Brown-Wil Enterprise, Inc., d/b/a Atlantic Beach Taxi, 1010 West Fort Macon Road, Wesley Brown, Owner – Adopt Franchise Ordinance 2010-18**

The application is for a renewal of a taxi service in Morehead City. Brown-Wil Enterprise, Inc., d/b/a Atlantic Beach Taxi has had a taxi service in Morehead City for two [2] years and wishes to renew their franchise agreement. The City Code provides that any approved Certificate of Convenience and Necessity be granted for two [2] years. A taxi franchise must pass two [2] readings by the Council with the public hearing the second of those readings. The Public Safety Committee of the Council reviewed the application and recommended approval.

Mayor Jones opened the public hearing.

Wes Brown, the owner of Atlantic Beach Taxi questioned where Piney Park was located and assured the Council that no Atlantic Beach taxi will be parked there in the future.

Mayor Jones closed the public hearing.

***Councilman Ballou MOVED, seconded by Councilman Cordova, and carried unanimously, to adopt Ordinance 2010-18 granting the request for renewal of a Certificate of Convenience and Necessity from Brown-Wil Enterprise, Inc., d/b/a Atlantic Beach Taxi, 1010 West Fort Macon Road, Wesley Brown, Owner for a period of two [2] years.*** [Franchise Ordinance 2010-18 is attached to Ordinance Book #6 in the vault.]

**IV.D. Public Hearing: Request for Renewal of Certificate of Convenience and Necessity from A1 Yellow Cab Company, 4104 Azalea Drive, Kelly W. Matthews, Owner – Adopt Franchise Ordinance 2010-19**

The application is for a renewal of a taxi service in Morehead City. A1 Yellow Cab Company has been in business for many years and wishes to renew their franchise agreement. The City Code provides that a Certificate of Convenience and Necessity be granted for two [2] years. A taxi franchise must pass two [2] readings by the Council with the public hearing as the second of those readings. The Public Safety Committee of the Council reviewed the application and recommended approval.

Mayor Jones opened the public hearing.

Kenny Matthews, the owner of A1 Yellow Cab, stated he enjoyed being in Morehead City and hoped that he can continue his service to the City. He continued that he was advised about the Piney Park situation approximately four [4] months ago and stated that no A1 Taxis will park there.

Mayor Jones closed the public hearing.

***Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously, to adopt Ordinance 2010-19 granting the request for renewal of a Certificate of Convenience and Necessity from A1 Yellow Cab Company, 4104 Azalea Drive, Kelly W. Matthews, Owner for a period of two [2] years.*** [Franchise Ordinance 2010-19 is attached to Ordinance Book #6 in the vault.]

**IV.E. Public Hearing: Request for an Amendment to Article 14-14.4 of the Unified Development Ordinance [UDO] to Adjust Sewage Disposal Requirements for Manufactured Home Parks – Adopt Ordinance 2010-16**

Planning Director Linda Staab reported that due to a discussion at a Town Council Meeting, staff has prepared an amendment to amend the sewage disposal requirements for manufactured home parks as follows:

“Each manufactured home shall be connected to a community water system and to a community sewage disposal system **or an individual septic system** approved by the Carteret County Health Department.”

At the Planning Board Meeting on April 21, 2010, Corinne Geer made the motion, seconded by Curtis Fleshman, and carried unanimously, to recommend approval of the ordinance amendment. The Planning Committee of the Council reviewed the request and recommended approval.

Upon a question from Councilman Cordova, Planning Director Staab replied that the proposed Ordinance will affect a couple of homes in mobile home parks in the ETJ [extra-territorial jurisdiction] area. All mobile homes located in Morehead City are on City water/sewer service.

Mayor Jones opened the public hearing. No one spoke for or against the proposed Ordinance.

Mayor Jones closed the public hearing.

***Councilman Horton MOVED, seconded by Councilman Nelson, and carried unanimously, to adopt Ordinance 2010-16 granting the request for an Amendment to Article 14-14.4 of the Unified Development Ordinance [UDO] to Adjust Sewage Disposal Requirements for Manufactured Home Parks.*** [Ordinance 2010-16 is attached to Ordinance Book #6 in the vault.]

**V. Citizen Requests/Comments:** There were no citizen requests/comments.

**VI. City Manager’s Report: FY 2010-2011 Budget Preparation Update and Call for a Public Hearing on the Proposed Budget on Tuesday, June 1, 2010, at 5:30 p.m., in the Municipal Chambers at 202 South 8<sup>th</sup> Street, Morehead City**

Manager Martin stated that as the Council met in a work session prior to the regular session at which budget information was reviewed, the main item is for the Council to confirm the scheduled required public hearing date of **Thursday, June 3, 2010, at 5:30 p.m.** which is a different date than what was originally stated on the previously approved tentative budget development calendar. The draft of the proposed budget will be distributed as soon as possible. The Council also set the date of **Tuesday, May 18, 2010, at 8:00 a.m.** for another work session to review the budget.

Manager Martin announced that Deputy City Clerk/Administrative Assistant Janet Hill received her Certified Municipal Clerk status.

## **VII. Council Requests/Comments**

Councilman Horton commented that he has received complaints that the train that comes through Morehead City along Arendell Street has been blowing its horn extremely loud and long during the late evening hours.

Manager Martin replied that City staff will contact the railroad to see what could be done to help alleviate this situation.

Councilman Cordova commented that it may be a railroad regulation for safety purposes.

Mayor Jones announced that for the twentieth consecutive time the Morehead City Finance Department has received the coveted CAFR [Comprehensive Annual Financial Report] Award for the fiscal year ending June 30, 2009. The first award the City received was in 1990.

## **VIII. CLOSED SESSION AS PER G.S. 143.318.11**

There was no CLOSED Session.

***Councilman Nelson MOVED, seconded by Councilman Thompson, and carried unanimously, to adjourn at 6:10 p.m.***

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Gerald A. Jones, Jr., Mayor

Attest:

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Jeanne M. Giblin, City Clerk